

RESPONSE UNDER 37 C.F.R. § 1.116  
USSN 09/829,991

and 21-23 stand rejected due to alleged obviousness under 35 U.S.C. § 103(a). More specifically, claims 16, 17 and 21-23 stand rejected due to alleged obviousness under 35 U.S.C. § 103(a) over Miyahara in view of Suzuki (U.S. Patent No. 6,509,948), claim 11 stands rejected due to alleged obviousness under § 103 over Miyahara, and claims 12-15 stand rejected under § 103(a) over Miyahara in view of Matsumoto et al. (U.S. Patent No. 6,278,427 B1, hereafter "Matsumoto").

The pending claims have been rejected based on Miyahara, standing alone or in combination with the other cited references. However, Applicant respectfully submits that Miyahara does not qualify as prior art under any section of 35 U.S.C. § 102, because the foreign priority date of the present application (**December 8, 1997**) is prior to the filing date of Miyahara (**November 12, 1998**). It should be noted that Applicant has perfected priority under 37 CFR §1.55(a) and MPEP §201.15 by submissions made with the October 7, 2002 Amendment. In addition, the Examiner has acknowledged the claim and receipt of foreign priority documents.

Additionally, Applicant also note that respectfully submits that the Suzuki and Matsumoto references also do not qualify as prior art for at least the same reasons discussed above.

Since there are no other grounds of the rejection of the pending claims, Applicant respectfully requests allowance of the pending claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

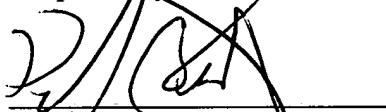
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Respectfully submitted,



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